IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7298 of 2007

DATED: 10.4.2007

Between:

S.E.Prasada Rao petitioner

And

The Regional Manager,
APSRTC, Srikakulam & ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 7298 OF 2007

ORAL ORDER:

This writ petition is filed seeking a direction to the first respondent to continue the petitioner at Srikakulam depot-II.

The petitioner is employed in the respondent corporation as Blacksmith and working at Palasa Depot. He made a representation to the first respondent to transfer him to Srikakulam depot under the rotation of transfers scheme and vide proceedings dated 16.6.2006 he was transferred and relieved from the Palasa Depot. In terms of proceedings dated 16.6.2006 he joined the Srikakulam depot on 17.6.2006. While so, the first respondent issued proceedings dated 19.6.2006 redirecting the petitioner back to Palasa depot on administrative grounds. Questioning the said order, petitioner filed W.P. No. 16780 of 2006 and this Court by order dated 17.7.2006 in W.P.M.P. No. 16780 of 2006 granted interim suspension of proceedings dated 19.6.2006. It is stated that the interim orders of this Court were complied with vide proceedings dated 15.12.2006 and thereafter the petitioner has withdrawn the writ petition. While so, proceedings dated 8.1.2007, were issued relieving the petitioner from Srikakulam depot and directing him to join the duties at Palasa depot. Aggrieved by the said order, the petitioner issued a legal notice dated 9.2.2007 to retain him at

Srikakulam –II depot. The said legal notice was replied by

proceedings dated 24.2.2007 stating that the request of the petitioner cannot be considered since senior most employees at Srikakulam I and Srikakulam II depots are working as per sanctions. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Standing counsel for respondent corporation.

The operative portion of the impugned proceedings dated 24.2.2007 reads as under;

> "Further, the representation submitted of your client Sri S.E. Prasad Rao received in this office on 19.1.2007 to continue him at Srikakulam –II depot could not be considered at present, since senior most employees each 2 in Srikakulam I & II depot are working at present as per sanctions. His representation will be considered as and when vacancies arise at Srikakulam I & II depots and his turn comes.
>
> In view of the dismissal of the main writ petition by the Hon'ble High Court of A.P. you are requested to advise your client Sri S.E. Prasad Rao to report at Palasa depot in terms of the transfer order dated 19.6.2006."

Transfer is an incidence of service, and is made keeping in view the administrative exigencies and needs of the organization. This Court normally does not interfere in matter of transfer, unless it is shown that the transfer has been made on *mala fide* grounds or for extraneous reasons.

In the present case, the request of the petitioner was considered by the respondents and since two senior employees each in Srikakulam I and Srikakulam II depots are working as per sanctions, he cannot be accommodated at Srikakulam, as such he was redirected and posted back to Palasa depot. Thus on administrative grounds he was redirected to Palasa depot and the same cannot be

said to be an illegal action warranting interference of this Court. It seems on one ground or the other, the petitioner wants to continue at the same place i.e., Srikakulam, which is not permissible.

Accordingly, the writ petition is dismissed. No costs..

_____

N.V.RAMANA,J

DATE: 10.4.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7298 of 2007

DATED: 10.4.2007